

§ 90.179

47 CFR Ch. I (10–1–04 Edition)

that an application may have to be returned.

[65 FR 53645, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53645, Sept. 5, 2000, §90.176 was revised. This section contains information collection requirements and will not be effective until approved by the Office of Management and Budget. For the convenience of the reader, the superseded text is set forth as follows:

§ 90.176 Coordinator notification requirements on frequencies below 512 MHz.

(a) *Frequencies below 470 MHz.* Within one business day of making a frequency recommendation, each frequency coordinator must notify and provide the information indicated in paragraph (e) of this section to all other frequency coordinators who are also certified to coordinate that frequency.

(1) The applicable frequency coordinator for each frequency is specified in the coordinator column of the frequency tables of §§90.20(c)(3) and 90.35(b)(3).

(2) For frequencies that do not specify any frequency coordinator, all certified in-pool coordinators must be notified.

(3) For frequencies that are shared between the Public Safety Pool and the Industrial/Business Pool (frequencies subject to §§90.20(d)(7), (d)(25), (d)(34), or (d)(46) in the Public Safety Pool, and subject to §§90.35(c)(13), (c)(25), or (d)(4) in the Industrial/Business Pool), all certified coordinators of both pools must be notified.

(b) *Frequencies in the 470–512 MHz band.* Within one business day of making a frequency recommendation, each frequency coordinator must notify and provide the information indicated in paragraph (e) of this section to all other certified frequency coordinators in the Public Safety Pool and the Industrial/Business Pool.

(c) Each frequency coordinator must also notify all other certified in-pool coordinators on any day that the frequency coordinator does not make any frequency recommendations.

(d) Notification must be made to all coordinators at approximately the same time and can be made using any method that ensures compliance with the one business day requirement.

(e) At a minimum the following information must be included in each notification:

- (1) Name of applicant;
- (2) Frequency or frequencies recommended;
- (3) Antenna locations and heights;
- (4) Effective radiated power (ERP);
- (5) Type(s) of emissions;
- (6) Description of the service area; and
- (7) Date and time of recommendation.

(f) Upon request, each coordinator must provide any additional information requested from another certified coordinator regarding a pending recommendation that it

has processed but has not yet been granted by the Commission.

(g) It is the responsibility of each coordinator to insure that its frequency recommendations do not conflict with the frequency recommendations of any other frequency coordinator. Should a conflict arise, the affected coordinators are jointly responsible for taking action to resolve the conflict, up to and including notifying the Commission that an application may have to be returned.

[62 FR 18926, Apr. 17, 1997]

§ 90.179 Shared use of radio stations.

Licensees of radio stations authorized under this rule part may share the use of their facilities. A station is shared when persons not licensed for the station control the station for their own purposes pursuant to the licensee's authorization. Shared use of a radio station may be either on a non-profit cost shared basis or on a for-profit private carrier basis. Shared use of an authorized station is subject to the following conditions and limitations:

(a) Persons may share a radio station only on frequencies for which they would be eligible for a separate authorization.

(b) The licensee of the shared radio station is responsible for assuring that the authorized facility is used only by persons and only for purposes consistent with the requirements of this rule part.

(c) Participants in the sharing arrangement may obtain a license for their own mobile units (including control points and/or control stations for control of the shared facility), or they may use mobile stations, and control stations or control points authorized to the licensee.

(d) If the licensee shares the land station on a non-profit, cost shared basis to the licensee, this shared use must be pursuant to a written agreement between the licensee and each participant which sets out (1) the method of operation, (2) the components of the system which are covered by the sharing arrangements, (3) the method by which costs are to be apportioned, and (4) acknowledgement that all shared transmitter use must be subject to the licensee's control. These agreements

must be kept as part of the station records.

(e) If the land station which is being shared is interconnected with the public switched telephone network, the provisions of § 90.477 *et seq.* apply.

(f) Above 800 MHz, shared use on a for-profit private carrier basis is permitted only by SMR, Private Carrier Paging, and LMS licensees. See subparts M, P, and S of this part.

(g) Notwithstanding paragraph (a) of this section, licensees authorized to operate radio systems on Public Safety Pool frequencies designated in § 90.20 may share their facilities with Federal Government entities on a non-profit, cost-shared basis. Such a sharing arrangement is subject to the provisions of paragraphs (b), (d), and (e) of this section. State governments authorized to operate radio systems under § 90.529 may share the use of their systems (for public safety services not made commercially available to the public) with any entity that would be eligible for licensing under § 90.523 and Federal government entities.

(h) Notwithstanding paragraph (a) of this section, licensees authorized to operate radio systems on Industrial/Business Pool frequencies designated in § 90.35 may share their facilities with Public Safety Pool entities designated in § 90.20 and with Federal Government entities on a non-profit, cost-shared basis. Such a sharing arrangement is subject to the provisions of paragraphs (b), (d), and (e) of this section.

(i) The provisions of this section do not apply to licensees authorized to provide commercial mobile radio service under this part, including licensees authorized to use channels transferred or assigned pursuant to § 90.621(e)(2).

(j) On the Interoperability Channels in the 700 MHz Public Safety Band (See 90.531(b)(1)), hand-held and vehicular units operated by any licensee holding a license in the 700 MHz Public Safety Band or by any licensee for any public safety frequency pursuant to part 90 of the Commission's rules may communicate with or through land stations

without further authorization and without a sharing agreement.

[48 FR 26620, June 9, 1983, as amended at 51 FR 36014, Oct. 8, 1986; 53 FR 12156, Apr. 13, 1988; 54 FR 4030, Jan. 27, 1989; 54 FR 38681, Sept. 20, 1989; 57 FR 48739, Oct. 28, 1992; 59 FR 59965, Nov. 21, 1994; 60 FR 15252, Mar. 23, 1995; 65 FR 60875, Oct. 13, 2000; 65 FR 66654, Nov. 7, 2000; 66 FR 55, Jan. 2, 2001; 66 FR 10635, Feb. 16, 2001; 66 FR 21287, Apr. 30, 2001]

EFFECTIVE DATE NOTE: At 69 FR 46443, Aug. 3, 2004, § 90.179 was amended by revising paragraph (f), effective October 4, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 90.179 Shared use of radio stations.

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(f) Above 800 MHz, shared use on a for-profit private carrier basis is permitted only by SMR, Private Carrier Paging, LMS, and DSRCS licensees. See subparts M, P, and S of this part.

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§ 90.185 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing under this rule part may be licensed for the same land station under the following terms and conditions.

(a) Each licensee complies with the general operating requirements set out in § 90.403 of the rules.

(b) Each licensee is eligible for the frequency(ies) on which the land station operates.

(c) If the multiple licensed base station is interconnected with the public switched telephone network, the provisions of § 90.477 *et seq.* apply.

[48 FR 26621, June 9, 1983]

§ 90.187 Trunking in the bands between 150 and 512 MHz.

(a) Applicants for trunked systems operating on frequencies between 150 and 512 MHz (except 220–222 MHz) must indicate on their applications (class of station code, instructions for FCC Form 601) that their system will be trunked. Licensees of stations that are not trunked, may trunk their systems only after modifying their license (see § 1.927 of this chapter).